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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,295	01/19/2001	Mark Ryan	W2100/204330	9669
23370	7590	11/02/2005		
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			EXAMINER BAROT, BHARAT	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/766,295

Applicant(s)

RYAN ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 7-22 and 35-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 23-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/17/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**RESPONSE TO ELECTION/RESTRICTION RESPONSE AND AMENDMENT**

1. Applicants' Election/Restriction response and amendment filed on August 12, 2005 have been received and fully considered.

**DETAILED ACTION**

2. Claims 1-6 and 23-34 remain for further examination.

**Drawings**

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

**Claim Rejections - 35 USC § 112**

4. Claims 24-25 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 24 and 33, the phrase "may" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

**Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 and 23-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Zereski, Jr. et al (U.S. Patent No. 5,654,886). Zereski's patent meets all the limitations for claims 1-6 and 23-34 recited in the claimed invention.

7. As to claim 1, Zereski, Jr. et al disclose a weather system for use in providing weather information to consumers over the Internet and having a tool for use by consumers in interacting with the weather system (see abstract; and figures 2-4), the tool comprising: a first component for allowing a consumer to input a desired request and specify what the consumer seeks from the weather system, with the what being selected from a group comprising obtaining weather information and obtaining planning information (figure 1; column 1 line 66 to column 2 line 20; column 2 lines 29-49; column 3 lines 19-64; and column 9 lines 33-59); a second component for allowing consumers to specify where the desired request should be directed, with the where allowing the consumer to specify a geographical region (figures 6-8; and column 7 line 54 to column 8 line 63); wherein the first and second components of the tool allow the consumer to

tailor the desired request so that the consumer receives weather information associated with the geographical region or to tailor the desired request so that the consumer receives planning information associated with the geographical region (figures 6-10; and column 7 line 54 to column 9 line 13).

8. As to claim 2, Zereski, Jr. et al disclose that the first component is a drop-down menu of options of items in the group from which the consumer can select (figure 6; and column 7 line 54 to column 8 line 13).

9. As to claim 3, Zereski, Jr. et al disclose that a default item in the group is obtaining a local weather forecast (figure 8; and column 8 lines 14-42).

10. As to claim 4, Zereski, Jr. et al disclose that the second component includes a text box, which accepts text from the consumer for specifying the desired geographical region (figure 3; column 5 line 34 to column 6 line 15).

11. As to claim 5, Zereski, Jr. et al disclose that the tool organize geographical regions hierarchically (figures 6-7 and 9).

12. As to claim 6, Zereski, Jr. et al disclose that the planning information available through the tool includes planning information on an activity (figures 9-10; and column 8 line 64 to column 9 line 25).

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13. As to claim 23, Zereski, Jr. et al disclose a weather system for use in providing weather information to consumers over the Internet (see abstract; and figures 2-4), comprising: weather data for a plurality of geographical regions (figures 6-7; and column 7 line 54 to column 8 line 13); planning information for the geographical regions, the planning information containing data on at least one activity for multiple geographical regions (figures 9-10; and column 8 line 64 to column 9 line 25); mixed weather-planning data associated with the data on each activity for each of the multiple regions, the mixed weather-planning data providing a rating (latest condition) of each activity for each geographical based on the weather data for that geographical region; and the system providing the mixed weather-planning data to consumers in conjunction with the planning information (figure 10; column 2 lines 29-49; and column 8 line 64 to column 9 line 25); wherein the rating can be used by consumers in evaluating the activities at the multiple geographical regions and also in ranking the activities between the geographical regions based on the weather (column 8 line 64 to column 9 line 25).

14. As to claim 24, Zereski, Jr. et al disclose that the weather data used in formulating the mixed weather-planning data for one activity comprises a sub-set of weather data that have an effect on the one activity (figures 9-10; and column 8 line 64 to column 9 line 25).

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15. As to claim 25, Zereski, Jr. et al disclose that the one activity is ski, the mixed weather-planning data comprises a ski index, and the sub-set of weather data includes temperature and ski area condition (figure 10; and column 8 line 64 to column 9 line 25). Note: Zereski, Jr. et al suggest that the outdoor information include weather information, ski reports, road conditions, and the like (see abstract; and column 2 lines 29-49); therefore, it is design choice to select activity is golf and the mixed weather-planning data comprises a golf index.

16. As to claim 26, Zereski, Jr. et al disclose that the system displays to consumers each of the weather data planning information, and the mixed weather-planning data on a single page (figures 6-10).

17. As to claim 27, Zereski, Jr. et al disclose that a locator for allowing consumers to search for activities within different geographical regions (figure 9; and column 8 line 64 to column 9 line 25).

18. As to claims 28 and 33-34, they are also rejected for the same reasons set forth to rejecting claims 23-25 above, since claims 28 and 33-34 are merely a method of operations for the apparatus defined in the claims 23-25.

19. As to claim 29, Zereski, Jr. et al disclose that obtaining the mixed weather-planning data comprises deriving the mixed weather-planning data in response to the consumer's request (figure 2 lines 29-49).

20. As to claim 30, Zereski, Jr. et al disclose that obtaining the mixed weather-planning data comprises storing the mixed weather-planning data for a plurality of activities and a plurality of geographical regions (figures 9-10; and column 8 line 64 to column 9 line 25).

21. As to claim 31, Zereski, Jr. et al disclose that receiving the request from the consumer comprises receiving an indication of what activity the consumer wants to do and an indication of where the consumer wants to do the activity (figure 6; and column 7 line 54 to column 8 line 13).

22. As to claim 32, Zereski, Jr. et al disclose that receiving the request from the consumer comprises providing the consumer with a local weather page with links for planning different activities and the request is a selection of one of those links (figures 6-10; and column 7 line 54 to column 9 line 25).



**Additional References**

23. The examiner as of general interest cites the following references.
- a. Schwoegler, U.S. Patent No. 6,590,529.
  - b. Diaz et al, U.S. Patent No. 6,427,101.
  - c. Baron, Sr. et al, U.S. Patent No. 6,018,699.

**Contact Information**

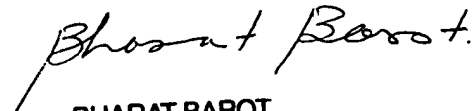
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

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October 27, 2005

  
**BHARAT BAROT**  
**PRIMARY EXAMINER**